

REMARKS

In response to the Office Action mailed on May 26, 2009, Applicants respectfully requests reconsideration. Claims 1-3, 5-10, 12-14, and 16-26 are now pending in this Application. Claims 1, 8, 12 and 18 are independent claims and the remaining claims are dependent claims. Applicants believe that the claims as presented are in condition for allowance. A notice to this affect is respectfully requested.

Claims 1, 3, 5-7, 12, 14, and 16-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2003/0161340 to Sherman (hereinafter Sherman) in view of U.S. Patent No. 6,301,249 to Mansfield et al. (hereinafter Mansfield). Applicants respectfully disagrees with these contentions and assert that the present claimed invention is not anticipated by any disclosure in the above-cited references.

Claim 1 recites in part "...subsequent frames include an acknowledgement for frames requiring an acknowledgment as well as an acknowledgement for frames not requiring an acknowledgement." The Examiner stated that Sherman does not disclose subsequent frames include an acknowledgement for frames requiring an acknowledgment as well as an acknowledgement for frames not requiring an acknowledgement.

To make up for the deficiencies of Sherman, the Examiner cites Mansfield, stating that Mansfield discloses this by its use of a NACK. A NACK is a form on an acknowledgment (a negative acknowledgment is an acknowledgement). In Mansfield, a NACK is required for packets that failed to reach their destination, in order for the transmitter to retransmit the frame. Accordingly, since Mansfield discloses a form on an ACK (a NACK) that is required so that failed transmissions get resent, Mansfield fails to read on claim 1.

The claim limitation "...following a first frame, subsequent frames include an acknowledgement for frames requiring an acknowledgment as well as an acknowledgement for frames not requiring an acknowledgement.." provides an

advantage over the prior art as generating a frame with the acknowledgement enables the device to prepare the frame in advance saving time, which can be used for other processing such as encrypting or the like.

In view of the above claim 1 is believed allowable. Claims 8, 12 and 18 include similar language regarding an acknowledgment for frames not requiring an acknowledgement and are believed allowable for at least the same reasons as claim 1. Claims 3, 5-7, 14, and 16-17 depend from claims 1, 8 or 12 and are believed allowable as they depend from an allowable base claim.

Claim 23 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication 2003/0161340 to Sherman (hereinafter Sherman) in view of Mansfield and further in view of well-known prior art. Claim 23 depends from claim 1 and is believed allowable as it depends from an allowable base claim.

Claims 2 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sherman in view of Mansfield and further in view of U.S. Patent Publication 2002/0118667 to Chintada et al. (hereinafter Chintada). Claims 2 and 13 depend from claim 1 or 12 and are believed allowable as they depends from an allowable base claim.

Claims 8, 10, 18 and 21-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sherman in view of Mansfield and further in view of U.S. Patent Publication 2004/037320 to Dickson (hereinafter Dickson). Claims 8 and 18 were discussed earlier, and are believed allowable for the reasons discussed above with respect to claim 1. Claims 10 and 21-22 depend from claim 8 or 18 and are believed allowable as they depends from an allowable base claim.

Claim 24 was rejected under 35 U.S.C. §103(a) as being unpatentable over Dickson in view of Mansfield and further in view of well-known prior art. Claim 24 depends from claim 8 and is believed allowable as it depends from an allowable base claim.

Claims 9 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sherman in view of Dickson and further in view of Mansfield

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and further in view of Chintada. Claims 9 and 19 depend from claim 8 or 18 and are believed allowable as they depends from an allowable base claim.

Claim 25 was rejected under 35 U.S.C. §103(a) as being unpatentable over Sherman in view of Mansfield and further in view of well-known prior art. Claim 25 depends from claim 12 and is believed allowable as it depends from an allowable base claim.

Claim 26 was rejected under 35 U.S.C. §103(a) as being unpatentable over Sherman in view of Dickson, in view of Chintada, in view of Mansfield and further in view of well-known prior art. Claim 26 depends from claim 18 and is believed allowable as it depends from an allowable base claim.

In view of the above, the Examiner's rejections are believed to have been overcome, placing the pending claims in condition for allowance and reconsideration and allowance thereof is respectfully requested.

Applicants hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an online payment made herewith, please charge any deficiency to Deposit Account No. 50-3735.

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If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,

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